

Exhibit 6

**EXPERT REPORT OF HAL PORET IN MATTER OF
FAGE DAIRY INDUSTRY S.A., ET AL.
V.
GENERAL MILLS, INC., ET AL.**

**SURVEY TO MEASURE WHETHER THE USE OF THE
FAGE TOTAL MARK FOR GREEK STRAINED YOGURT
IS LIKELY TO DILUTE THE TOTAL MARK FOR CEREAL**

REPORT PREPARED FOR:
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BACKGROUND AND PURPOSE

General Mills, Inc. ("General Mills") is the manufacturer of TOTAL ready to eat breakfast cereal. I have been advised that General Mills IP Holdings II LLC is the owner of the mark TOTAL for ready to eat breakfast cereal.

Fage USA Dairy Industry, Inc. ("Fage") is the manufacturer and seller in the United States of Greek strained yogurt under the mark FAGE TOTAL.

In a lawsuit between General Mills and Fage, General Mills is alleging, among other things, that Fage's use of the word "Total" in connection with its FAGE Total Greek strained yogurt products is likely to dilute General Mills' TOTAL mark for ready to eat breakfast cereal.

Winston & Strawn, LLP, on behalf of Fage, has retained me to design and conduct a consumer survey to determine the extent to which, if at all, the use of the mark FAGE Total in connection with Greek strained yogurt is likely to dilute General Mills' TOTAL mark for ready to eat breakfast. This report details the survey methodology and results.

In the course of designing the survey and preparing this report, I reviewed the following materials: (1) Complaint in the District of Minnesota action; (2) Complaint in Northern District of New York action; (3) TTAB Decision regarding General Mills' Oppositions to applications for design marks containing the word "Total" dated September 14, 2011; (4) survey screeners, questionnaires and computer tables from a likelihood of confusion survey conducted by Itamar Simonson for use in this proceeding; (5) the website at <fageusa.com>; (6) physical specimens of FAGE Total Greek strained yogurt; (7) Protective Order. The fee charged for designing and conducting the survey and preparing this

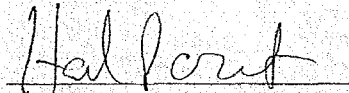
report is \$40,000. Any additional time spent in connection with this matter will be billed at my ordinary rate of \$500 per hour.

QUALIFICATIONS

I am Senior Vice President at ORC International, a market research firm. I have personally designed, supervised, and implemented over 400 surveys measuring perception, opinion, and behavior. Over 150 of these surveys have concerned consumer perception, opinion and behavior in the context of trademark issues. I have personally designed numerous studies that have been admitted in evidence in legal proceedings, and have appeared as an expert in survey research before U.S. District Courts, the TTAB, and the National Advertising Division of the Council of Better Business Bureaus (NAD).

I have spoken at the following intellectual property law conferences on the design and conduct of surveys that meet evidentiary standards for reliability: International Trademark Association (INTA), American Intellectual Property Law Association, Practicing Law Institute, Managing Intellectual Property, Promotions Marketing Association, American Conference Institute, as well as state and local bar associations.

I hold bachelors and masters degrees in mathematics and a J.D. from Harvard Law School. Additional biographical material, including lists of cases in which I have served as an expert on consumer behavior, trademark related matters involving confusion and dilution issues, false advertising and other issues and published articles, is provided in Appendix A.



Hal Poret

Dated: December 20, 2012

RELEVANT UNIVERSE

The relevant universe was defined to consist of women and men 18 years of age and older who have personally purchased yogurt in a grocery store or supermarket in the past three months and personally expect to do so in the next 3 months.

The survey excluded persons employed in fields which would give them special knowledge or insight about this subject, namely those working in advertising, public relations or market research, or a manufacturer, distributor, or retailer of food products. Similarly, persons who had an immediate household member so employed were excluded from participation. Screening out people with special knowledge is a generally accepted survey procedure. In accordance with standard practice, respondents who had participated in a mall-intercept survey other than a political poll in the past 3 months were also excluded.

Although this was not a screening requirement, the survey also asked a question at the end to ensure that a significant portion of the respondents also purchase cold breakfast cereal or other breakfast-occasion foods. The following table shows a breakdown of the percentage of respondents who purchased various products in the past three months:

<u>Purchased in past 3 months</u>	<u>%</u>
Bacon	71.1%
Bagels/muffins	76.5%
Bottled water	86.3%
Cold breakfast cereal (ready to eat)	82.4%
Eggs	89.7%
Frozen waffles	52.0%
Granola bars	60.3%

As the above table shows, 82.4% of respondents purchased cold breakfast cereal.

The actual wording of all questions used is shown in Appendix B. See Sampling Section below for additional detail on the characteristics of respondents who completed the survey.

STUDY DESIGN

A total of 204 qualified respondents participated in this mall-intercept study, which was conducted in eight metropolitan statistical areas around the country.

The survey format used a standard version of what is often referred to as an "association survey" which is designed to measure consumer perceptions that are relevant to a likelihood of dilution analysis. The Trademark Dilution Revision Act (TDRA) provides a cause of action if a famous mark¹ is likely to be diluted by blurring or tarnishment. TDRA defines dilution by blurring as an "association" arising from the similarity of the allegedly diluting mark and the famous mark that impairs the distinctiveness of the famous mark. The first prong of this standard requires that the allegedly diluting mark create an association with the famous mark in the minds of consumers. This has typically been measured by exposing respondents to a use of the allegedly diluting mark and asking questions to determine whether the famous mark comes to the respondents' mind.

Once determined to be qualified, respondents in the Test Group were taken to a private interviewing area and instructed as follows:

In a moment I am going to show you a yogurt product. Please look at it as you ordinarily would if you were seeing it in a store while shopping.

¹ I express no opinion on the topic of whether or not General Mills' TOTAL mark for cereal is famous.

A 6 oz. container of FAGE TOTAL 0% plain Greek strained yogurt was then placed on the table in front of respondent with the front of the container facing the respondent. See Appendix F for a photo of the container shown to respondents.

The respondent was then instructed:

Please look at this product. You may pick up the product if that is what you would normally do when shopping. Please take as much time as you need.

Respondents were allowed to take as much time as they needed to review the product and were permitted to pick it up and examine it. When respondents were finished examining the product, it was taken back by the interviewer. For roughly half of the respondents, the product was then placed out of sight for the remainder of the interview. For the other respondents, the product was placed on the table with the front of the container facing the respondent so that the container was in sight during the interview (but the respondent was not permitted to pick it up again). There were two versions of the questionnaire, one version where the product was removed from sight and one version where the product was left on the table in sight.

All respondents were next instructed:

Now I will ask you some questions. If for any question, you have no opinion, please say so. Please do not guess.

Respondents who took the version of the survey in which the product was left in sight on the table were then asked the following questions:

Did any other product, brand, or company come to your mind when you were looking at this product, or did no other product, brand or company come to your mind?

Respondents who answered in the affirmative were next asked:

What other product, brand, or company came to your mind when you were looking at this product?

If more than one product, brand or company came to your mind, please tell me each one.

When the respondent had finished naming products, brands, or companies, he/she was asked a follow-up probe:

Any other product, brand or company that came to your mind?

These questions allowed respondents to identify Total cereal, General Mills, or any other product or brand that related to Total cereal or General Mills if Total cereal did come to their minds when looking at the FAGE Total Greek strained yogurt product.

For each product, brand or company that respondents named, they were also asked:

Why did _____ [*name of product/brand/company*] come to your mind when you were looking at this product?

This question allowed us to determine whether any respondent might have named another product or brand because he/she was thinking of Total cereal. For instance, if respondents named another product made by General Mills because the Fage Total product made them think of Total cereal (and therefore General Mills), this question would have revealed that form of association or connection.

For respondents who participated in the version of the survey in which the Fage Total product was removed from sight, the wording of the questionnaire was altered to reflect the fact that the Fage TOTAL Greek strained yogurt product was no longer in sight.

Did any other product, brand, or company come to your mind when you were looking at the product I just showed you, or did no other product, brand or company come to your mind?

What other product, brand, or company came to your mind when you were looking at the product I just showed you?

Why did _____ [*name of product/brand/company*] come to your mind when you were looking at the product I just showed you?

By asking respondents to name any products, brands, or companies that came to mind when looking at the FAGE Total Greek strained yogurt container and asking why a product, brand, or company came to their mind, the survey measured whether the use of the word "Total" on the FAGE Total packaging creates an association with TOTAL cereal.

I initially considered using a control group for the survey. The purpose of a control group would be to measure the level of survey noise, which would be subtracted from the test group result to arrive at a “net” association level. However, since the survey showed a 0% rate of association (as discussed below in more detail), there would have been no reason to implement a control group. A control group can only function to lower the result detected by the test group. A 0% association rate is already the lowest possible result, so use of a control group would not have contributed to the reliability of the result.

SUMMARY OF KEY FINDINGS

When asked to name any products, brands or companies that come to mind when looking at the FAGE TOTAL Greek strained yogurt container, none of the 204 respondents named Total cereal or General Mills or gave any other answer suggesting that Total cereal came to mind. Accordingly, it is my opinion that the use of the word “Total” in connection with the mark FAGE TOTAL Greek strained yogurt does not create an association with General Mills’ TOTAL mark for cereal in the minds of consumers and that there is no likelihood of dilution.

METHODOLOGY

SAMPLING PLAN

The sampling procedure employed, which utilized shopping malls as a means of identifying relevant consumers, has been widely used and relied upon by market researchers for years. Many business decisions of consequence are made based on the results of mall intercept studies. Properly designed and executed studies of this type have been accepted by numerous Federal courts and the TTAB.

A multi-stage sampling plan was executed in interviewing facilities located in shopping malls in each of the four principal U.S. Census regions. The four stages of the sampling plan for this study were:

SAMPLING UNIT

1. Census regions
2. Metropolitan Areas within regions
3. Shopping malls within Metropolitan Areas
4. Respondents within shopping malls

1. Census Region Selection

In accordance with generally accepted standards, the study was conducted in each census region -- Northeast, South, Midwest and West -- thus obtaining a cross section of residents from all parts of the country.

2. Metropolitan Area Selection

The selection of markets for this study was carried out using a sample design developed by Professor Martin R. Frankel². Professor Frankel developed a computer program for Metropolitan Area selection specifically for use by ORC International (formerly Guideline Research Corporation).

The population frame for the first stage of sample selection consists of the Metropolitan Areas³ in the United States that have one or more permanent mall interviewing facility.

Prior to sample selection, the sampling frame was stratified on the basis of census region and Metropolitan Area size within region. Within a region, the allocation of sampling points was in proportion to the population of Metropolitan Areas that have one or more permanent mall interviewing facility.

This procedure yielded the following markets:

Boston	Miami
Chicago	New York
Houston	Portland
Kansas City	Santa Ana, CA

² Martin R. Frankel, Ph.D. has served as Professor of Statistics and Computer Information Systems at the Bernard M. Baruch College, City University of New York and the Chairman of the Research Quality Council of the Advertising Research Foundation. He has served as the Chairman of the Survey Research Section of the American Statistical Association and as Standards Chair of the American Association for Public Opinion Research. Dr. Frankel is the author of several publications on the methods and theory of survey sampling.

³ The term "Metropolitan Areas" is used in accordance with the definitions of the U.S. Bureau of the Census. In New England, Metropolitan Areas follow the definitions of NECMAS (New England County Metropolitan Areas) as defined by the U.S. Bureau of the Census.

3. Shopping Mall Selection

The criteria for selecting a specific shopping mall testing facility within each of the Metropolitan Areas selected included: 1) that an experienced interviewing organization existed within the center created specifically to conduct interviews with consumers; 2) that the organization had a permanent office within the shopping mall; and 3) that the interviewing organization's workload was such that it could complete its portion of the assignment within the desired schedule. Using these criteria, the following malls were selected as interviewing sites:

Market	Mall
Boston	Arsenal Mall
Chicago	Spring Hill Mall
Houston	Greenspoint Mall
Kansas City	Independence Center
Miami	Miami International Mall
New York, NY	Kings Plaza Mall
Portland, OR	Gateway Mall
Santa Ana, CA	Mainplace Mall

4. Respondent Selection

To safeguard against the skewing toward any particular age or gender group, a "quota screening" procedure was employed in which males and females aged 18 and over were approached in three age groupings – 18 to 34, 35 to 49, and 50 or older -- proportionate to their presence in the actual population. In this manner, these age groups were correctly represented for the purpose of determining eligibility according to census demographics.⁴

⁴ Source: Population Projections for 2010 Census, published by the U.S. Census Bureau.

While screening was in proportion to population, actual inclusion in the sample was not necessarily, and need not be, proportional to census demographics.

Once a respondent met age screening requirements, inclusion in the study was based on the fact that he/she met all the stated prerequisites.

Thus, by setting quotas for screening the number of males and females by age group, a representative number of qualifiers within each age/gender group was obtained on an "as they fall" basis within each Cell, thereby providing a directly proportionate sample of consumers of the relevant types of goods.

The actual breakdown of respondents by age and gender for the survey was as follows:

Age/Gender	%
Male 18 to 34	23.0
Male 35 to 49	9.8
Male 50+	9.3
Female 18 to 34	25.0
Female 35 to 49	14.7
Female 50+	18.1

As no respondents identified General Mills' TOTAL mark in response to the questions posed regarding the FAGE Total Greek strained yogurt packaging, the precise distribution of respondents by age and gender clearly did not impact the results.

The actual breakdown of respondents by geographic market was as follows:

Market	%
Boston	12.7
Chicago	12.7
Houston	11.3
Kansas City	12.7
Miami	12.7
New York, NY	12.7
Portland, OR	12.7
Santa Ana, CA	12.3

DOUBLE-BLIND INTERVIEWING

The study was administered under “double-blind” conditions. That is, not only were the respondents kept uninformed as to the purpose and sponsorship of the study, but the interviewers were similarly “blind” with respect to the study’s purpose and sponsorship. Without such knowledge, there is little likelihood that an interviewer might ascertain what responses would be desirable from the sponsor’s perspective, and thereby be in a position either to exert an influence on the respondents in this regard, or to modify the recording of a respondent’s answers so as to be “helpful”.

INTERVIEWING PROCEDURES

Screenings for eligibility were conducted on the mall premises in each designated shopping mall. Once qualified, respondents were escorted into the interviewing facility that was operated by the interviewing organization. Throughout the assignment, tight control and supervision was maintained over all aspects of the interviewing.

ORC prepared customized, detailed interviewer and supervisor instructions for this assignment. Copies of these instructions are found in Appendix C of this report.

Before beginning work on this study each interviewer was required to:

- Read the interviewer instructions.
- Attend a personal briefing. At this briefing, interviewing procedures were outlined and discussed in detail, question by question.
- Complete one or more practice interviews.

Additionally, a representative from each interviewing facility was required to contact an ORC representative with periodic detailed progress reports. This allowed ORC to closely monitor and supervise the progress of the study.

VALIDATION

In addition to on-spot verification where both respondent and interviewer signed their respective names on a "certification" page, telephone follow-up validation calls were attempted by an independent company which specializes in validation of survey interviews to verify that the interview did in fact take place and that only qualified respondents were interviewed.

A listing of each respondent's name and phone number was sent to Outfielders of Eastchester, New York, an independent telephone validating service, for verification.

This independent validating service was given the responsibility of attempting to recontact respondents by phone to confirm that:

- Such a person actually existed.
- He/she met the universe requirements for this study.
- He/she was actually interviewed for this study.

Outfielders attempted 100% validation among the 202 respondents (out of 204) who provided telephone numbers. Outfielders successfully contacted 133 respondents. This represents a validation level of 66%, which far exceeds the market research standard of validating 15 to 20%. The validation procedure produced no discrepancies.

CHECK-IN PROCEDURES

When completed questionnaires had been numbered in, they were checked to ensure that respondents' answers to screening questions indicated that they met all eligibility requirements and that the interviews themselves were complete.

DATA PROCESSING

The keypunch operation of transferring the recorded interview responses onto computer cards/tapes was double-checked by performing 100% keypunch verification. That is, answers to a interview questions given by each respondent was punched twice and then compared so that discrepancies could be identified, double-checked, and resolved. This procedure virtually eliminated any possible keypunch error.

INTERVIEWING PERIOD

Interviewing was conducted between June 26 and July 5, 2012.

DETAILED FINDINGS

Each of the 204 respondents was asked to name any other product, brand or company which came to mind when looking at the FAGE Total Greek strained yogurt container. Each respondent was permitted to name as many products, brands or companies as came to mind and was also asked a follow-up question to determine if any products, brands or companies came to mind that were not initially named.

None of the 204 respondents (0%) named Total cereal or General Mills in response to any question on the survey questionnaire.

Respondents' answers were also thoroughly reviewed to determine whether any response given by a respondent might suggest that the respondent was making a connection to Total cereal.

The following table shows the products, brands and companies respondents most frequently named as coming to mind when looking at the FAGE Total Greek strained yogurt container:

Product/Brand/Company Named	Number/Percent of Respondents
Yoplait	22 (10.8%)
Dannon	15 (7.4%)
Oikos	9 (4.4%)
Greek yogurt (non-specific)	7 (3.4%)
Chobani	6 (2.9%)
Activa	4 (2.0%)
Columbo	2 (1.0%)

See Appendix E, Table 2 for complete detail on all answers to Question 4.

It is my understanding that the Yoplait brand is owned by General Mills.

Accordingly, I closely examined the reasons respondents provided for why Yoplait came to mind to determine if there was any connection to Total cereal or if Yoplait came to mind for unrelated reasons, such as that Yoplait is another yogurt product. The following are the answers of the 22 respondents who named Yoplait as to why Yoplait (or other brands) came to their mind:

Resp. ID	Brand Named	Why Brand Came to Mind
1025	Dannon	Because they have the same similar packaging for their Greek yogurt
	Yoplait	Because it seems like that is custard style. Yoplait makes good custard style yogurt.
	Columbo	Because it looks like it's fruit flavored, not fruit mixed in. The big tubs of Columbo are usually fruit flavored.
1030	Yoplait	Because I've bought it before and the packaging of this one looks the same.
1038	Yoplait	Because that is what I buy and honestly that packaging is a little boring.
1040	Yoplait	The color of the yogurt
	Dannon	The density of the yogurt
	Activa	The shape of the container
1041	Yoplait	Similar advertisement on the product. What's it.
1048	Yoplait	It was the only one I could remember
1060	Yoplait	Because of the commercials
1065	Yoplait	Because it is the other yogurt brand I know
	Dippin dots	The shape of the cup it's in and the foil on top
1067	Dannon	The picture looks similar.
	Yoplait	Cause of the lines on the tub
1069	Yoplait	They have containers that kind of look like that
1073	Dannon	It's a popular yogurt brand
	Yoplait	When I think of yogurt I think of Yoplait
1087	Yoplait	Cause it's yogurt
1088	Yoplait	Because he has seen it a lot on TV and his mom eats it
	Danimals	All the kids ate it in middle school
1115	Yoplait	The colors remind me of Yoplait, and that's why I buy mostly

1128	Yoplait	Because it is what I see most of the time in stores
1132	Yoplait	Because I like it, it's not thick and low on sugar
1133	Yoplait	That is the one that I eat and has better presentation
1147	Yoplait	What I am used to and the shape of package and to me it is Yoplait product
1191	Yoplait	Cause that is the yogurt I eat and I think they just started making it too
1194	Yoplait	I eat a lot of Yoplait yogurt at home
1196	Yoplait	Because they have a Greek yogurt. There is a certain kind I get.
1199	Dannon	I see it sometimes in the store. It resembles the packaging.
	Yoplait	It is a major brand. You see it a lot in stores. I like this yogurt.

As these answers make clear, Yoplait came to mind for reasons unrelated to the word "Total". These respondents did not name Yoplait because the word "Total" made them think of Total cereal and because Yoplait is put out by the same company. There is no suggestion in any of these answers that Total cereal came to mind (in addition to the fact that none of these respondents actually named Total or General Mills).

I also examined the answers of one respondent who named Trix yogurt (Respondent 1125), as this product is also put out by General Mills and Trix is also a General Mills cereal. When asked why Trix Yogurt came to mind, this respondent stated: "How it looks. The way it opens. The shape." As with the Yoplait answers, there is no suggestion that Total cereal came to mind. Trix yogurt was named merely because it is another yogurt brand.

The fact that none of the 204 respondents thought of Total cereal after viewing the FAGE Total product powerfully demonstrates that FAGE's use of the word "Total" in the name of the product does not give rise to an association with General Mills' TOTAL cereal mark and that there is no likelihood of dilution.

It is also worth noting, as detailed above, that 82.4% of all respondents had recently purchased cold, ready-to-eat breakfast cereal and the large majority had also purchased other breakfast foods. Accordingly, the failure to mention Total cereal cannot be explained by the universe of respondents being unfamiliar with breakfast cereal or other breakfast foods.⁵

⁵ In fact, the number of breakfast cereal purchasers in the survey sample should not be of much relevance, as General Mills' TOTAL cereal mark would need to be famous among the general consuming public, not only among breakfast cereal purchasers, in order to be entitled to federal dilution protection. The fact that many respondents were breakfast cereal purchasers merely highlights the fact that even those who would be most likely to have a top-of-mind awareness of Total cereal did not think of Total cereal or General Mills after reviewing the FAGE Total Greek strained yogurt container.

CONCLUSION

Based on the survey results, it is my opinion that the use of the word "Total" in connection with the FAGE Total Greek strained yogurt does not give rise to an association with General Mills' TOTAL mark for cereal and that there is not a likelihood of dilution.

APPENDIX A

*** * * * ***

CURRICULUM VITAE OF STUDY'S AUTHOR

Hal L. Poret

(hal.poret@orcinternational.com; 212-329-1018; 914-772-5087)

Education

- 1998 Harvard Law School, J.D., *cum laude*
- Editor/Writer – Harvard Law Record
 - Research Assistant to Professor Martha Minow
- 1995 S.U.N.Y. Albany, M.A. in Mathematics, *summa cum laude*
- Statistics
 - Taught calculus/precalculus/statistics
- 1993 Union College, B.S. in Mathematics with honors, *magna cum laude*
- Phi Beta Kappa
 - Resch Award for Achievement in Mathematical Research

Employment

- 2004 - Senior Vice President, ORC International (formerly Guideline)
- Designed, supervised, and analyzed over 350 consumer surveys, including Trademark, Trade Dress, Advertising Perception, Fraud/Consumer Deception, Claims Substantiation studies, Damages, and Corporate Market Research Surveys
 - Provided expert testimony at deposition and/or trial regarding survey research in over 40 U.S. District Court litigations and proceedings in front of TTAB, NAD and the FTC.
 - Review and comment on third party surveys
- 2003 - 2004 Internet Sports Advantage
- Developed and marketed proprietary internet sports product, and licensed trademark and intellectual property rights.
- 1998 - 2003 Attorney, Foley Hoag & Eliot, Boston, MA
- Represented corporations and individuals in trademark, trade dress, advertising, product, and related legal disputes.
 - Worked with survey experts in developing and using surveys as evidence in trademark, trade dress and advertising disputes.
 - Advised clients in the selection, adoption, use, licensing, and protection of trademarks/trade dress; represented clients in trademark/trade dress litigations, administrative proceedings before the Trademark Trial and Appeal Board and United States Patent and Trademark Office, and domain name proceedings under the Uniform Domain-Name Dispute-Resolution Policy.

Testimony at Trial or by Deposition*(Party who retained me shown in bold)*

2012	Forest River v. Heartland (Deposition)	USDC Northern District of IN
2012	SPD v. Church & Dwight (Deposition)	USDC District of NJ
2012	Brighton Collectibles v. Texas Leather (Deposition)	USDC Southern District of CA
2012	Cytosport v. Vital Pharmaceuticals (Deposition)	USDC Eastern District of CA
2012	Apple v. Samsung (Deposition and Trial)	USDC Northern District of CA
2012	Authors Guild v. Google (Deposition)	USDC Southern District of NY
2012	Clear Choice v. Real Choice (Opposition testimony)	TTAB
2011	Borghese v. Perlier et al. (Deposition)	USDC Southern District of NY
2011	My Favorite Company v. Wal-Mart (Deposition)	USDC Central District of CA
2011	PepsiCo v. Pirincci (Opposition testimony)	TTAB
2011	Merck Eprova v. Brookstone (Deposition and trial)	USDC Southern District of NY
2011	Wella, Inc. v. Willagirl LLC (Deposition)	USDC Southern District of NY
2011	Bauer Bros. v. Nike (Deposition)	USDC Southern District of CA
2011	Aviva Sports v. Manley (Deposition)	USDC District of Minnesota

2011	American Express v. Black Card LLC (Deposition)	USDC Southern District of NY
2011	Gosmile v. Dr. Levine (Preliminary Injunction Trial)	USDC Southern District of NY
2010	Nat'l Western Life v. Western Nat'l Life (Deposition)	USDC Western District of TX
2010	3M v. Mohan (Trial)	USDC District of Minnesota
2010	Active Network v. EA Sports (Preliminary Injunction declaration)	USDC Central District of CA
2010	FIJI Water Co. v. FIJI Mineral USA (Deposition)	USDC Central District of CA
2010	Hansen Beverage v. CytoSport (Deposition)	USDC Central District of CA
2010	People's United Bank v. PeoplesBank (Deposition and Preliminary Injunction trial)	USDC District of CT
2010	Don Henley v. Charles Devore (Deposition)	USDC Central District of CA
2010	Pegasus v. Allscripts (Deposition and Mediation)	USDC Middle District of FL
2010	Jelmar, Inc. v. Zep Commercial (Deposition)	USDC Northern District of IL
2010	Dollar Bank v. Emigrant Bank (Deposition)	USDC Western District of PA
2009	LG Electronics v. Whirlpool (Deposition)	USDC District of DE
2009	Farberware v. Meyer Marketing (Deposition and trial)	USDC Southern District of NY
2009	NEC v. Ampad (Deposition)	USDC Southern District of NY
2009	GAP Inc. v. G.A.P. Adventures (Deposition and trial)	USDC Southern District of NY

2009	Lumber Liquidators v. Stone Mntn (Deposition and trial)	USDC Eastern District of VA
2009	CytoSport v. Vital Pharmaceuticals (Deposition)	USDC Eastern District of CA
2009	REDC v. NHA (Deposition)	USDC Southern District of CA
2008	1800Contacts v. Lens.com (Deposition)	USDC District of UT
2008	Tokidoki v. Fortune Dynamic (Deposition and trial)	USDC Central District of CA
2008	Brighton Collectibles v. Dynasty (Deposition)	USDC Southern District of CA

Presentations

Internet Survey Issues (PLI Hot Topics in Advertising Law Conference, March 2012)

Measuring Consumer Confusion Through Online Surveys (2011 Midwest IP Institute) (September, 2011)

Online Surveys as Evidence in Trademark Disputes (International Trademark Association Annual Conference, May 2011)

Managing Intellectual Property Trademark Roundtable (April 7, 2010)

Recent Trends in Trademark Surveys (Virginia State Bar Intellectual Property Conference, October 2009)

Trademark Surveys in US Litigation (presentation for International Trademark Association Annual Conference) (May 2009)

How to Conduct Surveys for use in Trademark Disputes (Practicing Law Institute Advanced Trademark Law Conference) (May 2009)

Trademark and Advertising Perception Studies for Legal Disputes (Opinion Research Corporation Seminar, June 2008)

Understanding Advertising Perception Surveys (Promotions Marketing Association Annual Law Conference) (November 2007)

Designing and Implementing Studies to Substantiate Advertising Claims (American Conference Institute Claims Substantiation Conference, October 2007)

Surveys in Trademark and False Advertising Disputes (InfoUSA Webinar, June 2007)

Measuring Consumer Perception in False Advertising and Trademark Cases, (multiple presentations) (2007)

Potential Errors to Avoid In Designing a Trademark Dilution Survey (American Intellectual Property Association paper, April 2007)

Consumer Surveys in Trademark and Advertising Cases (presentation at Promotions Marketing Association Annual Law Conference) (December 2006)

Use of Survey Research and Expert Testimony in Trademark Litigation, (International Trademark Association Annual Conference, May 2006)

Survey Research as Evidence in Trademark/Trade Dress Disputes (multiple presentations) (2006)

Using Surveys to Measure Secondary Meaning of Trade Dress, Legal Education Seminar, Boston, April 2006

Publications/Papers

Trademark Litigation Online Consumer Surveys (Practical Law Company Intellectual Property and Technology, May 2012)

Hot Topics in Advertising Law 2012 (Contributor to Practising Law Institute publication)

A Comparative Empirical Analysis of Online Versus Mail and Phone Methodologies for Trademark Surveys, 100 TMR 756 (May-June 2010)

Recent Trends in Trademark Surveys (paper for Virginia State Bar Intellectual Property conference, October 2009)

Trademark Dilution Revision Act breathes new life into dilution surveys (In Brief PLI website, June 2009)

The Mark (Survey Newsletter; three editions 2009)

Hot Topics in Trademark Surveys (paper for Practising Law Institute Advanced Trademark Law Conference) (May 2009)

The Mark (Survey Newsletter, 2008)

Trademark and Advertising Survey Report (Summer 2007)

Avoiding Pitfalls in Dilution Surveys under TDRA (AIPLA Spring Conference, Boston, May 2007)

Commentary

Comment on Hotels.com case (on TTABLOG.COM, July 24, 2009)

Comment on Nextel v. Motorola (on TTABLOG.COM, June 19, 2009)

PLI All-Star Briefing Newsletter, "What does the Trademark Dilution Revision Act mean for the future of Dilution Surveys?" (June 2009)

Can I Get By Without a Survey, Managing Intellectual Property (May 2009)

Professional Memberships/Affiliations

Council of American Survey Research Organizations

International Trademark Association

National Advertising Division of Council of Better Business Bureaus

APPENDIX B

*** * * * ***

QUESTIONNAIRES

ORCInternational625 Avenue of the Americas
New York, NY 10011

JOB #W25-0112

June 2012

YOGURT SURVEY
- SCREENER -

5 - 1

MARKET:	(6)	AGE/SEX:	(7)
Boston-----	1	Males:	
Chicago-----	2	18 - 34.....	1
Houston-----	3	35 - 49.....	2
Kansas City-----	4	50 or older.....	3
Miami-----	5	Females:	
New York-----	6	18 - 34.....	4
Portland-----	7	35 - 49.....	5
Santa Ana, CA-----	8	50 or older.....	6

8 - R

SIGHT SCREEN FOR MALES AND FEMALES 18 YEARS OF AGE OR OLDER.

Hello, I'm _____ from ORC International, a nationwide market research organization. We're conducting a survey and I'd like to ask you a few brief questions. Let me assure you we are doing this for research purposes only and are not selling anything. We are only interested in your opinions which will be held in the strictest confidence.

A. (RECORD GENDER, DO NOT ASK)

(9)

Male 1

Female..... 2

B. Which of the following groups best describes your age? (Read List)

(10)

Under 18..... 1 → (Terminate, circle in box below, erase & re-use screener)

18 - 34.....	2	→ (Check age and sex quotas, if needed, continue. If over quota, terminate circle in box below, erase & re-use screener.)
35 - 49.....	3	
50 and over.....	4	

(Do Not Read)→ Refused..... 5 → (Terminate, circle in box below, erase & re-use screener)

Terminate Q. B: Under 18/Refused age

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(11,12)

Terminates at Q. B do not count towards screening quota.

- C. Have you participated in any market research survey, other than a political poll, during the past 3 months?

(13)

Yes.....1 → (Terminate, circle in box below, erase & re-use screener)

No.....2 → (CONTINUE)

Don't know.....3 → (Terminate, circle in box below, erase & re-use screener)

Terminate Q. C: Recently interviewed

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(14,15)

Terminates at Q. C do not count towards screening quota.

- D. Do you or does anyone living in your household work ...? (Read list and record below.)

	<u>Yes</u>	<u>No</u>	<u>Don't Know/ Refused</u>	
In advertising or public relations.....	1	2.....	3	(16)
In marketing research.....	1	2.....	3	(17)
For a manufacturer, distributor, or retailer of food products.....	1	2.....	3	(18)

Terminate if "Yes" to any boxed occupation. Circle in box below. Erase and re-use screener.

Terminate Q. D: Related occupation

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(19,20)

Terminates at Q.D do not count towards screening quota.

- E1. Over the past 3 months, have you personally purchased any of the following at a grocery store or a supermarket?
(Read list and record "Yes", "No" or "Can't remember/Don't know" for each item below)

	<u>Yes</u>	<u>No</u>	<u>Can't Remember/ Don't Know</u>	
Guacamole, regular or spicy	1	2	3	(21)
Yogurt, such as fruit flavored, Greek, or plain.....	1	2	3	(22)
Pita bread, regular or whole wheat.....	1	2	3	(23)

"Yes" to "Yogurt" (boxed item) must be circled in Q.E1 to qualify and continue.
If not, terminate, circle in appropriate box below. Erase and re-use screener.

Terminate Q. E1: No/Don't know to personally purchased yogurt over the past 3 months

<u>MALES</u>											<u>FEMALES</u>										
18 - 34											18 - 34										
01	02	03	04	05	06	07	08	09	10	(24,	01	02	03	04	05	06	07	08	09	10	(30,
11	12	13	14	15	16	17	18	19	20	25)	11	12	13	14	15	16	17	18	19	20	31)
35 - 49											35 - 49										
01	02	03	04	05	06	07	08	09	10	(26,	01	02	03	04	05	06	07	08	09	10	(32,
11	12	13	14	15	16	17	18	19	20	27)	11	12	13	14	15	16	17	18	19	20	33)
50 or older											50 or older										
01	02	03	04	05	06	07	08	09	10	(28,	01	02	03	04	05	06	07	08	09	10	(34,
11	12	13	14	15	16	17	18	19	20	29)	11	12	13	14	15	16	17	18	19	20	35)

Terminates at Q. E1 do count toward screening quota.

- E2. Over the next 3 months, do you personally expect to purchase any of the following at a grocery store or supermarket? (Read list and record "Yes", "No" or "Don't know" for each item below)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>	
Guacamole, regular or spicy.....	1	2	3	(36)
Yogurt, such as fruit flavored, Greek, or plain.....	1	2	3	(37)
Pita bread, regular or whole wheat.....	1	2	3	(38)

"Yes" to "Yogurt" (boxed item) must be circled in Q.E2 to qualify and continue.
If not, terminate, circle in appropriate box below. Erase and re-use screener.

Terminate Q. E2: No/Don't know to personally expect to purchase yogurt over the next 3 months

<u>MALES</u>											<u>FEMALES</u>										
18 - 34											18 - 34										
01	02	03	04	05	06	07	08	09	10	(39,	01	02	03	04	05	06	07	08	09	10	(45,
11	12	13	14	15	16	17	18	19	20	40)	11	12	13	14	15	16	17	18	19	20	46)
35 - 49											35 - 49										
01	02	03	04	05	06	07	08	09	10	(41,	01	02	03	04	05	06	07	08	09	10	(47,
11	12	13	14	15	16	17	18	19	20	42)	11	12	13	14	15	16	17	18	19	20	48)
50 or older											50 or older										
01	02	03	04	05	06	07	08	09	10	(43,	01	02	03	04	05	06	07	08	09	10	(49,
11	12	13	14	15	16	17	18	19	20	44)	11	12	13	14	15	16	17	18	19	20	50)

Terminates at Q. E2 do count toward screening quota.

"YES" TO "YOGURT" (BOXED ITEM) MUST BE CIRCLED IN Q.E1 AND Q.E2 TO QUALIFY AND CONTINUE.

F. Do you normally wear eyeglasses or contact lenses when you shop?

(51)

Yes..... 1 → *(Continue with Q. G)*
 No..... 2 → *(Skip to Q. H)*

G. Are you wearing your contact lenses or do you have your glasses with you today

(52)

Yes..... 1 → *(Continue)*
 No..... 2 → *(Terminate, circle in box below, erase and re-use screener)*

Terminate Q. G: No eyeglasses/contact lenses

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(53,54)

Terminates at Q.G do not count towards screening quota.

H. I've asked you these questions to see if you are eligible for a very brief interview. Since I have something to show you, I'd like you to come with me into the interviewing facility. It will only take a few minutes of your time and we think you will find it interesting. For your time, we will give you \$____ upon completing the survey. Are you willing to be interviewed? **(If respondent wears glasses or contacts, make sure they have them on.)**
(If respondent refuses, terminate, circle below. Erase and re-use screener.)

(55)

Yes..... 1 → *(Continue)*
 No..... 2 → *(Terminate, circle in box below, erase and re-use screener)*

Terminate Q. H: Qualified Refused

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20

(56,57)

Terminates at Q.H do not count towards screening quota.

ESCORT RESPONDENT TO INTERVIEWING AREA

ORC*International*625 Avenue of the Americas
New York, NY 10011

JOB #W25-0112

June 2012

YOGURT SURVEY
- MAIN QUESTIONNAIRE -
- Version 1 -

WHITE
5 - 2
6 - 1

[WHEN RESPONDENT IS SEATED AT TABLE, SAY:]

1. In a moment I am going to show you a yogurt product. Please look at it as you ordinarily would if you were seeing it in a store while shopping.

[PLACE YOGURT ON THE TABLE IN FRONT OF RESPONDENT WITH THE FRONT FACING RESPONDENT]

Please look at this product. You may pick up the product if that is what you would normally do when shopping. Please take as much time as you need.

[ALLOW RESPONDENT AS MUCH TIME AS THEY NEED TO REVIEW THE PRODUCT. RESPONDENT MAY PICK UP AND EXAMINE THE PRODUCT. WHEN RESPONDENT IS FINISHED, REMOVE THE PRODUCT FROM SIGHT FOR THE REMAINDER OF THE INTERVIEW].

2. Now I will ask you some questions. If for any question, you have no opinion, please say so. Please do not guess.
3. Did any other product, brand, or company come to your mind when you were looking at the product I just showed you, or did no other product, brand or company come to your mind?

(7)

- | | | | |
|--|---|---|----------------|
| Yes, another product, brand or company came to mind..... | 1 | → | (Ask Q. 4) |
| No, no other product, brand or company came to mind..... | 2 | → | (Skip to Q. 6) |
| Don't know..... | 3 | → | (Skip to Q. 6) |

4. What other product, brand, or company came to your mind when you were looking at the product I just showed you?

If more than one product, brand or company came to your mind, please tell me each one. *(Record verbatim each product, brand or company named separately below. Or if respondent cannot identify any product, brand or company that came to mind, check "don't know" box).*

(When respondent has finished naming products, brands or companies, probe once with:) Any other product, brand or company that came to your mind? *(Record any additional responses verbatim)*

Response #1 _____ 8-

_____ 9-

_____ 10-

Response #2 _____ 11-

_____ 12-

_____ 13-

Response #3 _____ 14-

_____ 15-

_____ 16-

Response #4 _____ 17-

_____ 18-

_____ 19-

Response #5 _____ 20-

_____ 21-

_____ 22-

Response #6 _____ 23-

_____ 24-

_____ 25-

Response #7 _____ 26-

_____ 27-

_____ 28-

Don't Know-----☐-X

(29)

[IF "DON'T KNOW" BOX CHECKED, SKIP TO Q. 6]

5. [For each response given in Q.4, ask:]

Why did _____ [read back answer from Q.4] come to your mind when you were looking at the product I just showed you? [Record verbatim for each product]

Response 1 _____ 30-
(insert response 1 from Q. 4) 31-

_____ 32-
_____ 33-
_____ 34-
_____ 35-

Response 2 _____ 36-
(insert response 2 from Q. 4) 37-

_____ 38-
_____ 39-
_____ 40-
_____ 41-

Response 3 _____ 42-
(insert response 3 from Q. 4) 43-

_____ 44-
_____ 45-
_____ 46-
_____ 47-

Response 4 _____ 48-
(insert response 4 from Q. 4) 49-

_____ 50-
_____ 51-
_____ 52-
_____ 53-

Response 5 _____ 54-
(insert response 5 from Q. 4) 55-

_____ 56-
_____ 57-
_____ 58-
_____ 59-

Response 6 _____ 60-
(insert response 6 from Q. 4) 61-

_____ 62-
_____ 63-
_____ 64-
_____ 65-

Response 7 _____ 66-
(insert response 7 from Q. 4) 67-

_____ 68-
_____ 69-
_____ 70-
_____ 71-

6. Thank you. Just one more brief question.

Which of the following products, if any, have you purchased in the past 3 months? (*read list and select all that apply*)

Yes

(72)

- a. Bacon1
- b. Bagels or muffins2
- c. Bottled water3
- d. Cold Breakfast cereal (ready-to-eat).....4
- e. Eggs5
- f. Frozen waffles6
- g. Granola bars.....7

73 - 80 R

THANK RESPONDENT.

COMPLETE CERTIFICATION PAGE

CERTIFICATION PAGE

[PRINT]

RESPONDENT'S FULL NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

AREA CODE: _____ TELEPHONE NUMBER: _____

[PRINT]

INTERVIEWER'S FULL NAME: _____ DATE: _____

TIME STARTED: _____ TIME ENDED: _____

RESPONDENT: PLEASE READ AND SIGN

I certify that I was interviewed on the date shown below. I was shown a yogurt product and asked some questions about it.

RESPONDENT'S
SIGNATURE: _____

DATE: _____

INTERVIEWER: PLEASE READ AND SIGN

I certify that this interview was conducted in accordance with my briefing instructions.

INTERVIEWER'S
SIGNATURE: _____

DATE: _____

SUPERVISOR: PLEASE READ AND SIGN

I certify that I observed this interview and that it was conducted in accordance with the briefing instructions.

SUPERVISOR'S
SIGNATURE: _____

DATE: _____

ORC*International*625 Avenue of the Americas
New York, NY 10011

JOB #W25-0112

June 2012

YOGURT SURVEY
- MAIN QUESTIONNAIRE -
- Version 2 -

YELLOW
5 - 2
6 - 2

[WHEN RESPONDENT IS SEATED AT TABLE, SAY:]

1. In a moment I am going to show you a yogurt product. Please look at it as you ordinarily would if you were seeing it in a store while shopping.

[PLACE YOGURT ON THE TABLE IN FRONT OF RESPONDENT WITH THE FRONT FACING RESPONDENT]

Please look at this product. You may pick up the product if that is what you would normally do when shopping. Please take as much time as you need.

[ALLOW RESPONDENT AS MUCH TIME AS THEY NEED TO REVIEW THE PRODUCT. RESPONDENT MAY PICK UP AND EXAMINE THE PRODUCT. WHEN RESPONDENT IS FINISHED, TAKE BACK THE PRODUCT AND PLACE IT ON THE TABLE WITH THE FRONT FACING RESPONDENT. DO NOT ALLOW RESPONDENT TO HANDLE THE PRODUCT AGAIN FOR THE REMAINDER OF THE INTERVIEW].

2. Now I will ask you some questions. If for any question, you have no opinion, please say so. Please do not guess.
3. Did any other product, brand, or company come to your mind when you were looking at this product, or did no other product, brand or company come to your mind?

	(7)		
Yes, another product, brand or company came to mind.....	1	→	(Ask Q. 4)
No, no other product, brand or company came to mind.....	2	→	(Skip to Q. 6)
Don't know	3	→	(Skip to Q. 6)

4. What other product, brand, or company came to your mind when you were looking at this product?

If more than one product, brand or company came to your mind, please tell me each one. *(Record verbatim each product, brand or company named separately below. Or if respondent cannot identify any product, brand or company that came to mind, check "don't know" box).*

(When respondent has finished naming products, brands or companies, probe once with:) Any other product, brand or company that came to your mind? *(Record any additional responses verbatim)*

Response #1	_____	8-
	_____	9-
	_____	10-
Response #2	_____	11-
	_____	12-
	_____	13-
Response #3	_____	14-
	_____	15-
	_____	16-
Response #4	_____	17-
	_____	18-
	_____	19-
Response #5	_____	20-
	_____	21-
	_____	22-
Response #6	_____	23-
	_____	24-
	_____	25-
Response #7	_____	26-
	_____	27-
	_____	28-

Don't Know-----☐-X

(29)

[IF "DON'T KNOW" BOX CHECKED, SKIP TO Q. 6]

5. [For each response given in Q.4, ask:]

Why did _____ [read back answer from Q.4] come to your mind when you were looking at this product? [Record verbatim for each product]

Response 1 _____ 30-
(insert response 1 from Q. 4) 31-

_____ 32-

_____ 33-

_____ 34-
_____ 35-

Response 2 _____ 36-
(insert response 2 from Q. 4) 37-

_____ 38-

_____ 39-

_____ 40-
_____ 41-

Response 3 _____ 42-
(insert response 3 from Q. 4) 43-

_____ 44-

_____ 45-

_____ 46-
_____ 47-

Response 4 _____ 48-
(insert response 4 from Q. 4) 49-

_____ 50-

_____ 51-

_____ 52-
_____ 53-

Response 5 _____ 54-
(insert response 5 from Q. 4) 55-

_____ 56-

_____ 57-

_____ 58-
_____ 59-

Response 6 _____ 60-
(insert response 6 from Q. 4) 61-

_____ 62-

_____ 63-

_____ 64-
_____ 65-

Response 7 _____ 66-
(insert response 7 from Q. 4) 67-

_____ 68-

_____ 69-

_____ 70-
_____ 71-

6. Thank you. Just one more brief question.

Which of the following products, if any, have you purchased in the past 3 months? (*read list and select all that apply*)

Yes

(72)

- a. Bacon1
- b. Bagels or muffins2
- c. Bottled water3
- d. Cold Breakfast cereal (ready-to-eat).....4
- e. Eggs5
- f. Frozen waffles.....6
- g. Granola bars.....7

73 - 80 R

THANK RESPONDENT.

COMPLETE CERTIFICATION PAGE

CERTIFICATION PAGE

[PRINT]		
RESPONDENT'S FULL NAME: _____		
ADDRESS: _____		
CITY: _____	STATE: _____	ZIP: _____
AREA CODE: _____ TELEPHONE NUMBER: _____		
[PRINT]		
INTERVIEWER'S FULL NAME: _____		DATE: _____
TIME STARTED: _____	TIME ENDED: _____	

RESPONDENT: PLEASE READ AND SIGN

I certify that I was interviewed on the date shown below. I was shown a yogurt product and asked some questions about it.

RESPONDENT'S
SIGNATURE: _____

DATE: _____

INTERVIEWER: PLEASE READ AND SIGN

I certify that this interview was conducted in accordance with my briefing instructions.

INTERVIEWER'S
SIGNATURE: _____

DATE: _____

SUPERVISOR: PLEASE READ AND SIGN

I certify that I observed this interview and that it was conducted in accordance with the briefing instructions.

SUPERVISOR'S
SIGNATURE: _____

DATE: _____

APPENDIX C

*** * * * ***

FIELD INSTRUCTIONS

ORCInternational

Job #W25-0112
Yogurt Survey
June, 2012

Dear Supervisor:

The following are the materials needed for the "Yogurt Survey":

- Screeners (White)
- Main Questionnaires (2 versions - white and yellow interleaved)
- Yogurt Product
- Interviewer's Instructions
- Screening Quota Control Sheets
- Progress Report Sheets
- Practice Interview (Tan)
- Validation Listing Sheet

OVERVIEW

This is a one cell study to be conducted in a permanent enclosed mall facility.

You will be sight screening in the mall for males and females **18+ years of age**. Qualified respondents will then be escorted back to the interviewing facility to be shown a yogurt product and asked some questions about it.

STAFF

All interviewers while screening and interviewing on this study are not to be screening or interviewing on any other study.

BRIEFING

Field supervisors must have read and examined all materials to be completely prepared for the study. The field supervisor must be present at the briefing and be present for all days of interviewing on the study. In addition, the supervisor must observe at least 15% or 1 or 2 interviews, whichever is greater per interviewer. The supervisor is to sign the Certification Page for every interview they have observed. A field kit of all paper materials must be supplied for each participant at the briefing.

Each interviewer is to read his/her Interviewer Instructions and sign them. Also, a personal briefing is required. If possible, one briefing should be conducted. All interviewers must do at least one Practice Interview.

PLEASE STRESS THE FOLLOWING:

1. Version 1(White Main Questionnaire) -- After the respondent indicates being finished looking at the product, take back the product and place it **out of sight for the remainder of the interview**
2. Version 2(Yellow Main Questionnaire) -- After the respondent indicates being finished looking at the product, take back the product and **place it on the table with the front facing the respondent. DO NOT allow the respondent to handle the product again for the remainder of the interview.**
3. All yogurt products are to be out of sight before interviewing begins.
4. Never make reference to the yogurt product by name nor description.
5. Q.7/8 - Recording each brand/product mentioned on a separate line.
6. Yogurt product must be refrigerated when not in use.

All practice interviews must be looked over by you-- and any questions cleared up -- before any actual interviewing is begun. (Each interviewer's signed Instructions are to be stapled to the Practice interview and returned to ORC at the end of the study.).

QUALITY CONTROL PROCEDURES

ANY WORK RECEIVED BY OUR OFFICE, WHICH HAS NOT BEEN SUBJECT TO THE FOLLOWING PROCEDURES, WILL BE SUBJECT TO A PAYMENT ADJUSTMENT.

Strict quality control is a primary Supervisor responsibility. ORC requires that the following quality controls be strictly followed:

- This study must be screened by itself, not along with any other projects.
- No more than one respondent per shopping group should be screened.
- Friends, relatives or acquaintances must NOT be interviewed.
- Except for the interviewer no one else is to be in the interviewing room with the respondent.
- Anyone accompanying the respondent must wait for the respondent in the waiting room.
- Be sure the respondent does not see the **yogurt product** before they are indicated to be shown.
- Interviewing should not be conducted with anyone who has a hearing, visual or English language problem.

SECURITY INSTRUCTIONS

- All materials related to this study are the property of ORC and our client.
- You are responsible for all materials being used on this study; all materials are to be kept out of sight of anyone not directly involved in the study.
- No one representing ORC or our client is to be admitted to the facility or have access to the materials without your first calling ORC to confirm. Further, no one is to be permitted access to the facility or materials without showing satisfactory identification.

EDITING

All work should be edited soon after completion in order to spot errors and quickly bring them to an interviewer's attention.

In editing check for:

- Completeness including market on the front of each screener of each completed questionnaire
- Following proper skip patterns exactly.
- Verbatim capture of comments. (See "Open-Ended Responses" on Interviewers Instructions.)
- Legible handwriting
- Certification page filled out by interviewer and respondent.

If an interviewer appears not to be following instructions exactly, please alert him/her to that as soon as possible and take remedial action if needed.

VALIDATION

- List only ONE interviewer's work on a validation sheet.
- Fill out all required respondent information, interviewer name, city and quota group.
- Be sure about indicating correct area code for every respondent.
- Write listings in black ink ONLY.
- You are not to phone validate, since we will be independently validating 100% of every interviewer's work, as well as doing a duplicate number search.
- You must, however, monitor or do in-site validation for at least 10% of each interviewer's work and note validated work on Validation Listing Form.

- **Handling "No Phone" or "Refused Phone"**

The Supervisor must attempt to do a telephone lookup for all respondents who do not give a phone number. If a number is not found, indicate that you have attempted a look-up by writing "L.U.".

PROGRESS REPORTS

Enclosed are Progress Report Sheets for your convenience. Accurate cumulative reports are to be received by us each day the study continues. We are to RECEIVE them by 10:00 AM OUR TIME.

- **FAX # 212-947-6294 (Preferred). Do not use a cover sheet, just fill in all the required information on the Progress Report Sheet. Be sure to write your city and contact name on each sheet of the report.**

RETURNING WORK

- Completed interviews are to be bundled together by interviewer with that interviewer's Validation Sheet on the top of the pile.
- Completed interviews are to be stapled together in the following order:
 - 1) SCREENER
 - 2) MAIN QUESTIONNAIRE
- Bundle together all Screeners that contain a record of termination. Mark each screener "For Tallies Only". Label this bundle "Screener -- Tallies Only".
- Return all PRACTICE interviews.
- Enclose Master/Final Progress Report Forms.

SHIPMENT/CHARGES

- All shipments are to be send Federal Express Priority Overnight to ORC, and charged to our Federal Express Account #3305-1825-1 unless otherwise specified
- Insure packages for \$500.00
- Indicate Job #W25-0112 on airbill for all shipments

- | |
|---|
| <ul style="list-style-type: none">• <u>Important</u>
Since ORC does not want to incur additional shipping charges, make sure that all items specified above are included with your completed questionnaires, unless otherwise specified. If you "forget" we will have to deduct the additional shipping charges from your bill. |
|---|

BILLING

Submit all bills under separate cover to the attention of our Accounting Department.

Thank you for your help with this survey.

Sincerely,

Nelly Valentin
Field Director

ORC International
625 Avenue of the Americas
New York, New York 10011

Job #W25-0112
Yogurt Survey
June, 2012

INTERVIEWER INSTRUCTIONS

INTERVIEWER'S NAME: _____

DATE: _____

BRIEFING SUPERVISOR: _____

MATERIALS

- Screeners (White)
- Main Questionnaires (2 versions white and yellow interleaved)
- Yogurt Product
- Validation Listing Sheet

OVERVIEW

This is a one cell study to be conducted in a permanent enclosed mall facility.

You will be sight screening in the mall for males and females **18+ years of age**.

Qualified respondents will then be escorted back to the interviewing facility to be shown a yogurt product and asked some questions about it.

QUOTA ASSIGNMENT

Your supervisor will give you a quota assignment by gender and age. Refer to the enclosed Master Quota Control Sheet to determine your exact quota assignment.

DO YOU HAVE A QUOTA FOR COMPLETED MAIN QUESTIONNAIRES?

No, you do not. You have a quota for screenings; we take completes "as they fall".

However, we always have a "target" number of completes which we hope will fall in. If we fall significantly short of this number, we may ask you to do additional screenings.

You are to do exactly the number of screenings assigned by age: unless the assigned cap on completed interviews has been met.

WHAT COUNTS TOWARD YOUR SCREENING QUOTA

The questions on the Screener clearly state whether or not they count toward your screening quota.

IMPORTANT:

Because you have a screening quota by gender and age, all terminated questions that count toward your quota have termination boxes that are also broken down by gender and age. It is imperative that when terminating a respondent you circle the next available number in the appropriate gender and age group for that terminated respondent. This is the only way you will be able to accurately keep track of your screening quotas by gender and age.

POSSIBLE COMMON MISTAKES TO AVOID IN USING THIS PROCEDURE

- Conducting too many screenings (by gender/age).
- Mistaking terminated screenings (ineligible respondents) for completed interviews.
- Mistaking total screening assignment for total quota of interviews to be completed.

ELIGIBILITY

An eligible respondent is a male/female who meets the following requirements:

- Respondent must be 18 years of age or older and needed for your screening quota (Q.B)
- Respondent has not participated in any market research study in the past three months (Q.C)
- Respondent must pass occupational security (Q.D)
- Respondent must have personally purchased yogurt at a grocery store or a supermarket over the past 3 months (Q.E1) **AND** expect to purchase yogurt over the next 3 months at a grocery store or supermarket (Q.E2)
- Respondent must have glasses/contact lenses with them if worn when shopping (Q. F/G)
- Respondent must be willing to participate (Q.H)

QUALITY ASSURANCE IN SCREENING

- Do not interview friends, relatives or acquaintances.
- When screening for this study you must not screen for any other study at the same time.
- Only one potential respondent in a group of people may be screened.
- Only one potential respondent is to be in the interviewing room at the time of the interview.
- Anyone accompanying the respondent must wait for the respondent in the waiting room.
- Do not proceed to interview anyone who has a hearing, visual or English language problem.

MAIN QUESTIONNAIRE

GENERAL GUIDELINES

- Read introductions and all questions exactly as written.
- Always give respondents enough time to answer.
- Mark answers clearly and write clearly
- When questionnaire calls for you to show the multi-purpose household cleaning products under no circumstances are you to discuss the products. Read the questions referring to the product verbatim as written, always referring to the product AND SAYING WHAT THE QUESTIONNAIRE STATES.

OPEN ENDED RESPONSES

- Read open-ended questions slowly and ask respondent to slow down if you cannot write quickly enough. **WE NEED EXACT VERBATIM RESPONSES BUT YOU SHOULD BE SURE TO PROBE IF A THOUGHT IS NOT CLEAR OR COULD BE INTERPRETED DIFFERENT WAYS.** Capture comments exactly as respondent states them -- **never summarize or paraphrase.**
- Capture comments in the words of the respondent. Do not say “he/she said...” or “he/she felt...” rather; just write down exactly what the respondent says.
- If respondent says, “I have already answered the question”, or “same”, do not write this –instead, ask them to repeat their answer and write it verbatim.
- Give respondent sufficient time to think and answer a question before continuing.
- Never reword the questions. Simply repeat the question if the respondent indicates that she does not understand. **DO NOT** attempt to explain any questions.
- Answers to the open end questions are important to this study and will be carefully read.
- However, if respondents gives you a vague or one-word answer, probe for specifics, for example, ask: “What do you mean by ...?”
- Do not probe with additional “what else?” questions beyond what is shown on the questionnaire.

SCREENER QUESTION BY QUESTION INSTRUCTIONS

SCREENER:

Be sure you are familiar with the circle screener method of termination. If you are not, ask your supervisor to explain it to you. For any answers which disqualify the respondent, you are to circle the next available number in the termination box, erase and re-use screener. Do NOT erase any of the circles around the numbers in the termination boxes. If all the numbers in a termination box have been circled before you contact a qualified, willing respondent, you are to return the screener to your supervisor. Write in your name, circle your city and mark clearly on the top of the screener "FOR TALLIES ONLY".

Sight screen for appropriate gender/age groups as needed. Randomly approach males/females 18+ years of age and ask questions on screener exactly as indicated.

SCREENER:

Q.A: Record gender.

Q.B: If 18 + years of age, check open age quotas. If needed, continue. Otherwise, terminate. If under 18 or refused age, terminate. **These terminates do not count toward your screening quota.**

Q.C: If "no" continue. Otherwise, terminate. **These terminates do not count toward your screening quota.**

Q.D: Read the list. Record "yes" or "no", for each occupation. If "yes" to any boxed occupation terminate. Otherwise continue. **These terminates do not count toward your screening quota.**

Q.E1: Read the list. Record one responses for each item. If "yes" to "yogurt" (boxed item) continue with E1. Otherwise, terminate. **These terminates do count toward your screening quota.**

Q.E2: Read the list. Record one responses for each item. If "yes" to "yogurt" (boxed item) continue with E2. Otherwise, terminate. **These terminates do count toward your screening quota.**

Respondent must say "yes" to "yogurt" in E1 and E2 to qualify.

Q.F: If "yes" ask Q.G. If "no" skip to Q.H.

Q.G: If "yes" continue. If "no" terminate. **These terminates do not count toward your screening quota.**

Q.H: Invite the respondent to participate, continue with the main questionnaire same color as the screener. If the respondent refuses, terminate. **These terminations do not count toward your screening quota.**

MAIN QUESTIONNAIRE QUESTION BY QUESTION INSTRUCTIONS

The questionnaire is straightforward and must be administered exactly as written.

IMPORTANT: *THE ARE TWO VERSIONS OF THE MAIN QUESTIONNAIRE. THE DIFFERENCE IN THE VERSIONS IS THE PRESENTATION AND HANDLING OF THE STIMULI.*

- **VERSION 1 (WHITE)** – *STIMULI IS REMOVED FROM SIGHT AFTER Q.1*
- **VERSION 2-(YELLOW)**– *STIMULI REMAINS IN SIGHT FOR THE DURATION OF THE INTERVIEW, BUT THE RESPONDENT IS NOT ALLOWED TO HANDLE THE PRODUCT AFTER Q.1*

If respondent wears glasses or contact lenses, that is they said “yes” to Q.F in the screener, make sure that he/she is wearing them before continuing.

Version 1 – White Main Questionnaire

Q.1: Read verbiage verbatim. Place yogurt product on the table in front of the respondent with the front facing the respondent. Read the verbiage.

After reading the verbiage, allow the respondent as much time as needed to review the product. Respondent may pick up and examine the product. **When the respondent indicates being finished, take back the product and place it out of sight for the remainder of the interview.**

Version 2 – Yellow Main Questionnaire

Q.1: Read verbiage verbatim. Place yogurt product on the table in front of the respondent with the front facing the respondent. Read the verbiage.

After reading the verbiage, allow the respondent as much time as needed to review the product. Respondent may pick up and examine the product. **When the respondent indicates being finished, take back the product and place it on the table with the front facing the respondent. DO NOT allow the respondent to handle the product again for the remainder of the interview.**

Both Versions of the Main Questionnaire (White and Yellow)

Q.2: Read verbiage verbatim.

Q.3: Read verbatim. If “yes” ask Q.4. If “no” or “don’t know” skip to Q.6.

Q. 4: Read verbatim. Record response verbatim for each product, brand or company named separately. If respondent cannot identify any product, brand or company that came to mind, place a check mark in the “Don’t Know” box. If Don’t know” box checked, skip to Q.6.

Q.5: Refer to Q.4. Ask only if respondent provided a product, brand or company name in Q.4. When reading the question insert response from Q.4. Record response verbatim.

Q.6: Read verbatim. Record all responses that apply. Then continue to Certification Page.

SECURITY:

- You are responsible for all materials being used on this study. Stimuli must be locked up when not working on this study.
- All materials are to be kept out of sight of anyone not directly involved in the study
- All materials related to this study are the property of ORC International and our client.
- No one representing ORC International or our client is to be admitted to the facility or have access to the materials without your first calling ORC International to confirm. Further, no one is to be permitted access to the facility or materials without showing satisfactory identification.

UPON COMPLETION OF INTERVIEW:

1. Fill out all respondent information on the front page of the screener.
2. Fill out all respondent information on certification page. You and the respondent must read, sign and date certification page.
3. Thank respondent.
4. Staple the screener to the main questionnaire and give it to your supervisor.
5. Only if a supervisor observed the interview, he/she must also sign the certification page.

APPENDIX D

*** * * * ***

VALIDATION MATERIALS

ORC International
625 Avenue of the Americas
New York, NY 10011

Job #W25-0112
Yogurt Survey
July, 2012

VALIDATION QUESTIONNAIRE

- ASK TO SPEAK TO THE PERSON WHOSE NAME IS LISTED ON VALIDATION SHEET
- CORRECT ANSWERS ARE CIRCLED
- PROBE WHERE INDICATED

Hello (Miss/Mrs./Ms.) _____, I'm from ORC International in New York. Recently a study was done in your area and we're calling to thank you for your participation and to confirm a few points.

1. Recently, did you take part in a survey at the mall where you were shown a yogurt product and were asked some questions about it?

YES.....

NO 2 *(Before terminating, be sure no one else in household was interviewed)*

2. Which of the following includes your age?

Under 18 years 1
18 - 34
35 - 49
50+

-> *(Check against validation listing)*

3. Over the **past** 3 months, which of the following, if any, have you personally purchased at a grocery store or supermarket?

Guacamole, regular or spicy 1
Yogurt, such as fruit flavored, Greek, or plain.....
Pita bread, regular or whole wheat 3

4. Over the **next** 3 months, which of the following, if any, are you likely to personally purchase at a grocery store or supermarket?

Guacamole, regular or spicy 1
Yogurt, such as fruit flavored, Greek, or plain.....
Pita bread, regular or whole wheat 3

In order to qualify respondent must select "Yogurt" in Q.3 AND Q.4

Thank respondent.

Outfielders, Inc.

140 New Street
Mamaroneck, NY 10543
914-777-1137

July 17, 2012

Ms. Nelly Valentin
ORC International
625 Avenue of The Americas
New York, NY 10011

Dear Nelly,

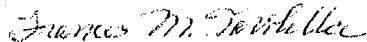
The validation results of your Yogurt Study #W25-0112 are as follows:

Out of the listed 204 respondent names, 202 had telephone numbers. Of these, 133 were successfully contacted (66%). Of those not reached, a minimum of three attempts were made on different days of the week and at different times of the day.

Of those contacted, there were no discrepancies found in interviewing procedures. All results of this phase of the study were reported to ORC International.

If you have any questions regarding this study, please call me.

Sincerely,



Frances Murray Tavolilla

APPENDIX E

*** * * * ***

COMPUTER TABLES

YOGURT SURVEY #W25-0112

ORC INTERNATIONAL

Table -----	Title -----	Base -----
1	Q.3 DID ANY OTHER PRODUCT, BRAND, OR COMPANY COME TO MIND WHEN YOU WERE LOOKING AT THE PRODUCT I JUST SHOWED YOU, OR DID NO OTHER PRODUCT, BRAND OR COMPANY COME TO MIND?	
2	Q.4 WHAT OTHER PRODUCT, BRAND, OR COMPANY CAME TO YOUR MIND WHEN YOU WERE LOOKING AT THE PRODUCT I JUST SHOWED YOU?	
3	Q.6 WHICH OF THE FOLLOWING PRODUCTS, IF ANY, HAVE YOU PURCHASED IN THE PAST 3 MONTHS?	
4	MARKET	
5	AGE/GENDER	
6	Q.E1 OVER THE PAST 3 MONTHS, HAVE YOU PERSONALLY PURCHASED ANY OF THE FOLLOWING AT A GROCERY STORE OR SUPERMARKET?	
7	Q.E2 OVER THE NEXT 3 MONTHS, DO YOU PERSONALLY EXPECT TO PURCHASE ANY OF THE FOLLOWING AT A GROCERY STORE OR SUPERMARKET?	

YOGURT SURVEY #W25-0112

Table 1

Q.3 DID ANY OTHER PRODUCT, BRAND, OR COMPANY COME TO MIND WHEN YOU WERE LOOKING AT THE
PRODUCT I JUST SHOWED YOU, OR DID NO OTHER PRODUCT, BRAND OR COMPANY COME TO MIND?

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
YES, ANOTHER PRODUCT, BRAND OR COMPANY CAME TO MIND	74 36.3	41 39.4	33 33.0
NO, NO OTHER PRODUCT, BRAND OR COMPANY CAME TO MIND	112 54.9	54 51.9	58 58.0
DON'T KNOW	18 8.8	9 8.7	9 9.0

YOGURT SURVEY #W25-0112

Table 2

Q.4 WHAT OTHER PRODUCT, BRAND, OR COMPANY CAME TO YOUR MIND WHEN YOU WERE LOOKING AT THE
PRODUCT I JUST SHOWED YOU?

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
ASKED	74	41	33
	36.3	39.4	33.0
YOGURT (NET)	60	34	26
	29.4	32.7	26.0
ACTIVIA	4	1	3
	2.0	1.0	3.0
AMERICA'S CHOICE	1	-	1
	0.5	-	1.0
BORDON	1	1	-
	0.5	1.0	-
CABACHO	1	-	1
	0.5	-	1.0
CHOBANI	6	4	2
	2.9	3.8	2.0
COLUMBO	2	2	-
	1.0	1.9	-
DANNA	1	-	1
	0.5	-	1.0
DANNON/DANNON GREEK YOGURT	15	10	5
	7.4	9.6	5.0
DAISY	1	-	1
	0.5	-	1.0
GREEK/ (ANY) GREEK YOGURT	7	3	4
	3.4	2.9	4.0
DANIMALS	1	1	-
	0.5	1.0	-
OIKOS/OIKOS GREEK YOGURT	9	4	5
	4.4	3.8	5.0

YOGURT SURVEY #W25-0112

Table 2

Q.4 WHAT OTHER PRODUCT, BRAND, OR COMPANY CAME TO YOUR MIND WHEN YOU WERE LOOKING AT THE
PRODUCT I JUST SHOWED YOU?

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
STONYFIELD	1 0.5	1 1.0	- -
TRIX YOGURT	1 0.5	1 1.0	- -
YOPLAIT	22 10.8	15 14.4	7 7.0
ZARDA	1 0.5	1 1.0	- -
SUPERMARKETS (NET)	2 1.0	1 1.0	1 1.0
GREAT VALUE	1 0.5	1 1.0	- -
STOP & SHOP	1 0.5	- -	1 1.0
PRODUCTS OTHER THAN YOGURT (NET)	4 2.0	1 1.0	3 3.0
CREAM CHEESE	1 0.5	- -	1 1.0
KNUDSON COTTAGE CHEESE	1 0.5	1 1.0	- -
MILK	1 0.5	- -	1 1.0
DIPPIN DOTS	1 0.5	- -	1 1.0
MISCELLANEOUS			
SIZE	1 0.5	1 1.0	- -
PRICE	1 0.5	1 1.0	- -

YOGURT SURVEY #W25-0112

Table 2

Q.4 WHAT OTHER PRODUCT, BRAND, OR COMPANY CAME TO YOUR MIND WHEN YOU WERE LOOKING AT THE
PRODUCT I JUST SHOWED YOU?

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
	=====	=====	=====
TOTAL RESPONDENTS	204	104	100
CAN'T/DON'T REMEMBER THE NAME-IT LOOKS FAMILIAR/SEEN ON TV/ WOULD RECOGNIZE IF I SAW	3 1.5	2 1.9	1 1.0
DON'T KNOW	6 2.9	3 2.9	3 3.0
NOT ASKED	130 63.7	63 60.6	67 67.0

YOGURT SURVEY #W25-0112

Table 3

Q.6 WHICH OF THE FOLLOWING PRODUCTS, IF ANY, HAVE YOU PURCHASED IN THE PAST 3 MONTHS?

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
BACON	145 71.1	74 71.2	71 71.0
BAGELS OR MUFFINS	156 76.5	82 78.8	74 74.0
BOTTLED WATER	176 86.3	86 82.7	90 90.0
COLD BREAKFAST CEREAL (READY-TO-EAT)	168 82.4	80 76.9	88 88.0
EGGS	183 89.7	93 89.4	90 90.0
FROZEN WAFFLES	106 52.0	52 50.0	54 54.0
GRANOLA BARS	123 60.3	65 62.5	58 58.0

YOGURT SURVEY #W25-0112

Table 4

MARKET

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
BOSTON	26 12.7	13 12.5	13 13.0
CHICAGO	26 12.7	13 12.5	13 13.0
HOUSTON	23 11.3	12 11.5	11 11.0
KANSAS CITY	26 12.7	13 12.5	13 13.0
MIAMI	26 12.7	13 12.5	13 13.0
NEW YORK	26 12.7	14 13.5	12 12.0
PORTLAND	26 12.7	13 12.5	13 13.0
SANTA ANA, CA	25 12.3	13 12.5	12 12.0

ORC INTERNATIONAL

YOGURT SURVEY #W25-0112

Table 5

AGE/GENDER

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
MALES	86	39	47
	42.2	37.5	47.0
18-34	47	20	27
	23.0	19.2	27.0
35-49	20	10	10
	9.8	9.6	10.0
50 OR OLDER	19	9	10
	9.3	8.7	10.0
FEMALES	118	65	53
	57.8	62.5	53.0
18-34	51	32	19
	25.0	30.8	19.0
35-49	30	16	14
	14.7	15.4	14.0
50 OR OLDER	37	17	20
	18.1	16.3	20.0

YOGURT SURVEY #W25-0112

Table 6

Q.E1 OVER THE PAST 3 MONTHS, HAVE YOU PERSONALLY PURCHASED ANY OF THE FOLLOWING AT A GROCERY STORE OR SUPERMARKET?

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
GUACAMOLE	96 47.1	42 40.4	54 54.0
YOGURT, SUCH AS FRUIT FLAVORED, GREEK, OR PLAIN	204 100.0	104 100.0	100 100.0
PITA BREAD, REGULAR OR WHOLE WHEAT	123 60.3	66 63.5	57 57.0

YOGURT SURVEY #W25-0112

Table 7

Q.E2 OVER THE NEXT 3 MONTHS, DO YOU PERSONALLY EXPECT TO PURCHASE ANY OF THE FOLLOWING AT A GROCERY STORE OR SUPERMARKET?

	TOTAL	PRODUCT REMOVED FROM SIGHT	PRODUCT LEFT IN VIEW
TOTAL RESPONDENTS	204	104	100
GUACAMOLE	115 56.4	57 54.8	58 58.0
YOGURT, SUCH AS FRUIT FLAVORED, GREEK, OR PLAIN	204 100.0	104 100.0	100 100.0
PITA BREAD, REGULAR OR WHOLE WHEAT	138 67.6	72 69.2	66 66.0